

17D-3-103 Conservation district status, authority, and duties.

- (1) A conservation district created under this chapter:
 - (a) is a body corporate and politic;
 - (b) is a political subdivision of the state; and
 - (c) may sue and be sued.
- (2)
 - (a) A conservation district may:
 - (i) survey, investigate, and research soil erosion, floodwater, nonpoint source water pollution, flood control, water pollution, sediment damage, and watershed development;
 - (ii) subject to Subsection (2)(b), devise and implement on state or private land a measure to prevent soil erosion, floodwater or sediment damage, nonpoint source water pollution, or other degradation of a watershed or of property affecting a watershed;
 - (iii) subject to Subsection (2)(b), devise and implement a measure to conserve, develop, utilize, or dispose of water on state or private land;
 - (iv) construct, improve, operate, and maintain a structure that the board of supervisors considers necessary or convenient for the conservation district to carry out its purposes under this chapter;
 - (v) acquire property, real or personal, by purchase or otherwise, and maintain, improve, and administer that property consistent with the purposes of this chapter;
 - (vi) enter into a contract in the name of the conservation district;
 - (vii) receive money from:
 - (A) a federal or state agency;
 - (B) a county, municipality, or other political subdivision of the state; or
 - (C) a private source;
 - (viii) subject to Subsection (2)(c), make recommendations governing land use within the conservation district, including:
 - (A) the observance of particular methods of cultivation;
 - (B) the use of specific crop programs and tillage practices;
 - (C) the avoidance of tilling and cultivating highly erosive areas where erosion may not be adequately controlled if cultivated;
 - (D) the construction of terraces, terrace outlets, check dams, dikes, ponds, or other structures; and
 - (E) the development or restoration, or both, of range or forest lands or other natural resources, whether in private, state, or federal ownership;
 - (ix) make recommendations for county and municipal land use authorities within the conservation district to consider with respect to land use applications and other development proposals;
 - (x) employ clerical and other staff personnel, including legal staff, subject to available funds; and
 - (xi) perform any other act that the board of supervisors considers necessary or convenient for the efficient and effective administration of the conservation district.
 - (b) A conservation district's authority under Subsections (2)(a)(ii) and (iii) is subject to the consent of:
 - (i) the land occupier; and
 - (ii) in the case of school and institutional trust lands, as defined in Section 53C-1-103, the director of the School and Institutional Trust Lands Administration, in accordance with Sections 53C-1-102 and 53C-1-303.
 - (c)

- (i) Each recommendation under Subsection (2)(a)(viii) shall be uniform throughout the conservation district or, if the board of supervisors classifies land under Subsection (2)(c)(ii), throughout each land classification.
 - (ii) The board of supervisors may uniformly classify land within the conservation district with respect to soil type, degree of slope, degree of threatened or existing erosion, cropping and tillage practices in use, or other relevant factors.
- (3)
 - (a) Each conservation district shall annually submit to the commission, no later than the date that the commission prescribes:
 - (i) a copy of the minutes of each conservation district meeting;
 - (ii) a copy of the conservation district's annual work plan; and
 - (iii) an accounting of the conservation district's financial affairs, as provided in Subsection (3)(b).
 - (b) The accounting required under Subsection (3)(a)(iii) shall:
 - (i) be prepared by a disinterested person; and
 - (ii) show the conservation district's debits and credits, including accounts payable and accounts receivable, the purpose of each debit, the source of each credit, and the actual cash balance on hand.

Enacted by Chapter 360, 2008 General Session